

REMARKS / ARGUMENTS

I. General Remarks

Applicants respectfully request that the above amendments be entered and further request reconsideration of the application in view of the amendments and the remarks contained herein.

II. Disposition of the Claims

Claims 1, 5-30, 34-40, and 87-113 are pending in this application. Claims 41-86 have been cancelled herein. Claims 2-4 and 31-33 were cancelled previously. Claims 87-113 have been added herein. Claims 1, 14, 15, and 30 have been amended in this Response. All the above amendments are made in a good faith effort to advance the prosecution on the merits of this case.

Applicants reserve their rights to take up prosecution on the claims as originally filed in this or an appropriate continuation, continuation-in-part, or divisional application. Applicants respectfully submit that all the pending claims are in condition for allowance.

III. None of the Cited References, Alone or in Combination, Has Been Shown to Teach or Suggest Every Limitation as Recited in Applicants' Independent Claims; Therefore, Rejection Under 35 U.S.C. § 103 is *Per Se* Improper

Independent claims 1 and 30 are method claims, each of which includes limitations reciting (1) a dispersant composition comprising a surfactant and a hydrolyzed protein and (2) allowing the dispersant composition to disperse at least some of the cement composition, as noted below:

- Claim 1: A method of cementing comprising the steps of:
 - providing a cement composition comprising a cement, and a dispersant composition, the dispersant composition comprising a surfactant and a hydrolyzed protein;
 - allowing the dispersant composition to disperse at least some of the cement composition;
 - placing the cement composition in a desired location; and
 - allowing the cement composition to set therein.

- Claim 30: A method of reducing the viscosity of a cement composition comprising:
 - adding to the cement composition a dispersant composition comprising a surfactant and a hydrolyzed protein and;
 - allowing the dispersant composition to disperse at least some of the cement composition.

As discussed in detail below, the Examiner has not shown that any of the references of record teaches or suggests a method that comprises the separate steps of providing a cement composition comprising a dispersant composition (claim 1), adding to the cement composition a dispersant composition (claim 30), or allowing the dispersant composition to disperse at least some of the cement composition (claims 1 and 30). Accordingly, no individual reference, nor any combination of references, has been shown to include all limitations of any of Applicants' independent claims, and therefore cannot obviate the claims under 35 U.S.C. § 103. Nonetheless, Applicants responds as set forth below to the Examiner's other statements regarding the references cited in the Office Action.

Furthermore, the Examiner's reference to "cement compositions" ignores the fact the Applicant's claims are directed to methods, not compositions. By focusing on compositions, the Examiner failed to show how the cited references meet every limitation of Applicants' method claims. See MPEP § 2143.03 ("To establish a *prima facie* case of obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.").

A. General Remarks Regarding Examiner's § 103(a) Rejections.

The Examiner has stated that claims 1, 5-30, and 34-40 are rejected under 35 U.S.C. § 103(a) in view of *Sugama*, *Gay*, *Neely*, or *Etherton* alone, or in view of *Chatterji* (U.S. Pat. No. 5,897,699 or 6,063,738), *Bour* (U.S. Pat. No. 5,147,565), *Cattanach* (U.S. Pat. No. 3,615,784 or FR 1550231), *Gopalkrishnan* (U.S. Pat. No. 5,252,128), and *DiLullo Arias* (U.S. Pat. No. 6,235,809). (Office Action at 2, ¶ 1.) The Examiner, however, discusses *Sugama*, *Neely*, and *Etherton* in terms of "anticipation," (Office Action at 2, ¶¶ 2, 4-5). For purposes of this Response, Applicants' assume the Examiner meant to use *Sugama*, *Neely*, and *Etherton* as obviating references, rather than anticipating references.

B. Rejection of Claims 1, 5-30, and 34-40 Under 35 U.S.C. § 103(a) in View of *Sugama*

Claims 1, 5-30, and 34-40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Sugama* alone, or in view of *Bour*, *Cattanach*, *Gopalkrishnan*, and *DiLullo Arias*. With respect to this rejection, the Examiner stated that:

Sugama teaches a composition for wells comprising cement, hydrolyzed protein (col.3, line17), and surfactant (see col.3 for foam stabilizers in lines 20-25 and col.4, line 9) thus anticipating the instant invention. Even if not anticipated, overlapping ranges of amounts would have been prima facie obvious to one of ordinary skill in the art.

(Office Action at 2.) Applicants respectfully traverse because none of these references, separately or in combination, teach or suggest the steps recited in claims 1, 5-30, and 34-40 as required to form a *prima facie* case of obviousness needed to obviate the claims under 35 U.S.C. § 103(a). MPEP § 2142, 2143.

The Examiner has focused on the “compositions” taught by *Sugama*, and has failed to show that *Sugama* teaches or suggests the *methods* of Applicants’ independent claims 1 and 30. At the outset, Applicants emphasize that independent claims 1 and 30 are method claims, not composition claims. And to obviate Applicants’ claims 1, 5-30, and 34-40, *Sugama*, alone or in combination, must teach or suggest every limitation of the subject claims. MPEP § 2142 & 2143. Accordingly, *Sugama* does not teach or suggest methods that include “providing a cement composition comprising a cement and a dispersant composition” (claim 1), “adding to the cement composition a dispersant composition” (claim 30), or “allowing the dispersant composition to disperse at least some of the cement composition” (claims 1 and 30).

More particularly, independent claim 1 recites the step of “providing a cement composition comprising a cement and a dispersant composition,” and independent claim 30 recites the step of “adding to the cement composition a dispersant composition.” Nowhere does *Sugama* teach or suggest dispersant compositions. Rather, *Sugama* teaches using hydrolyzed proteins and surfactants separately, as a “foam generator” and a “foam stabilizer,” to produce lightweight cement slurries. *Sugama* col. 3, ll. 8-18, col. 3, ll. 19-24. As *Sugama* describes, the foam generator is “an agent well known to practitioners in the art as a foaming agent.” *Sugama* at col. 2, ll. 59-67. And the foam stabilizer

[R]educes the cement slurry's water permeability and increases the compressive strength of the cementitious composition (while retaining low density characteristics). The presence of the foam stabilizer also reduces large sized foam bubbles which may result in coalescence and percolation of gas through the cement column.

Sugama col. 3, ll. 26-33.

Despite the differences between *Sugama* and the present Application, the Examiner states that the dispersant composition of Applicants' method is a foam generator and stabilizer.

The applicants argue that *Sugama* teaches hydrolyzed proteins as a foaming agent. Yet this is actually exactly what applicants are doing as well because their surfactant (hydrolyzed protein) and a co-surfactant when their ingredients are really just foaming agent surfactant and foam stabilizer surfactant which are routinely used in cement compositions such as well cements.

(Office Action at 6.) What the Examiner has done is ignore the express language of Applicants' claims. Applicants' expressly claim a method that recites a "dispersant composition." None of Applicants' methods recites the use of a "foaming agent surfactant" or a "foam stabilizer surfactant." Accordingly, *Sugama* does not teach or suggest the steps of providing a cement composition comprising a cement and a dispersant composition (claim 1) and adding to the cement composition a dispersant composition (claim 30).

Furthermore, independent claims 1 and 30, as amended, also recite the step of "allowing the dispersant composition to disperse at least some of the cement composition." Nowhere, does *Sugama* teach or suggest this recitation. As discussed above, *Sugama* is directed to lightweight cement slurries comprising a "foam generator" and a "foam stabilizer." *Sugama* col. 3, ll. 8-18, col. 3, ll. 19-24. Accordingly, *Sugama* does not teach or suggest the step of allowing the dispersant composition to disperse at least some of the cement composition as recited in independent claims 1 and 30 as amended.

Nor can *Bour*, *Cattanach*, *Gopalkrishnan*, or *DiLullo Arias* be used to supply these missing recitations. None of these references discloses or suggests the dispersant composition recited in independent claims 1 and 30. Accordingly, none of these references disclose or suggest a method that includes "providing a cement composition comprising a cement and a dispersant composition" (claim 1), "adding to the cement composition a dispersant

composition” (claim 30), or “allowing the dispersant composition to disperse at least some of the cement composition” (claims 1 and 30).

For at least the foregoing reasons, *Sugama* alone, or in combination with *Bour*, *Cattanach*, *Gopalkrishnan*, and *DiLullo Arias*, does not render independent claims 1 and 30 of the present application obvious. The remaining claims depend either directly or indirectly on independent claim 1 or 30. All these dependent claims, which include all the limitations of independent claim 1 or 30, are allowable for at least the reasons cited above with respect to independent claims 1 and 30. Accordingly, the Applicants respectfully request withdrawal of this rejection with respect to claims 1, 5-30, and 34-40, and further request the timely issuance of a Notice of Allowance for these claims.

C. Rejection of Claims 1, 5-30, and 34-40 Under 35 U.S.C. § 103(a) in View of *Gay*

Claims 1, 5-30, and 34-40 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Gay* alone, or in view of *Bour*, *Cattanach*, *Gopalkrishnan*, and *DiLullo Arias*. With respect to this rejection, the Examiner stated that:

Gay et al. ‘295 B1 teach a method of mixing a cement (ie a method of cementing) by mixing a binder such as cement (col.6, line 9), hydrolyzed protein foaming agent (col.5, second paragraph), and surfactant. Note that POLYOX or polyethylene oxide is one example of a surfactant which is the foam stabilizer (col.5, lines 30-35).

(Office Action at 2.) Applicants respectfully traverse because none of these references, separately or in combination, teach or suggest the steps recited in claims 1, 5-30, and 34-40 as required to form a *prima facie* case of obviousness needed to obviate the claims under 35 U.S.C. § 103(a). MPEP § 2142, 2143.

Gay does not obviate independent claims 1 and 30 because it does not teach or suggest the following steps: “providing a cement composition comprising a cement and a dispersant composition” (claim 1); “adding to the cement composition a dispersant composition” (claim 30); or “allowing the dispersant composition to disperse at least some of the cement composition” (claims 1 and 30). For instance, independent claim 1 recites the step of “providing a cement composition comprising a cement and a dispersant composition,” and independent claim 30 recites the step of “adding to the cement composition a dispersant composition.”

However, nowhere does *Gay* teach or suggest dispersant compositions. Instead, *Gay* teaches using hydrolyzed protein foaming agents and foam stabilizing agents separately, to produce foamed mixtures. *Gay* col. 3, ll. 45-48, col. 5, ll. 4-16. In addition to the hydrolyzed protein foaming agent and the foam stabilizing agent, *Gay* also teaches that a dispersant may be added to the mixture. *Gay* col. 5, ll. 57-61. *Gay* does not teach or suggest that its dispersant comprises a hydrolyzed protein and a surfactant. Accordingly, *Gay* clearly does not teach or suggest the steps of providing a cement composition comprising a cement and a dispersant composition (claim 1) and adding to the cement composition a dispersant composition (claim 30).

Additionally, independent claims 1 and 30, as amended, also recite the step of “allowing the dispersant composition to disperse at least some of the cement composition.” As discussed above, *Gay* discloses using hydrolyzed protein foaming agents and foam stabilizing agents separately, to produce foamed mixtures. *Gay* col. 3, ll. 45-48, col. 5, ll. 4-16. Accordingly, *Gay* does not teach or suggest the step of allowing the dispersant composition to disperse at least some of the cement composition as recited in independent claims 1 and 30 as amended.

Furthermore, as Applicants’ have previously pointed out, POLYOX is not a surfactant. (Response to Office Action Mailed December 20, 2004 at 10-11.) Even so, the Examiner states:

Yet, a betaine is also a known foam stabilizer whether it is a surfactant or not. It would have been an obvious design choice for one of ordinary skill in the art to substitute one known foam stabilizer (POLYOX) for another known foam stabilizer (betaine).

(Office Action at 6.) POLYOX, according to the manufacturer, is not a surfactant; rather, it is a water-soluble, nonionic, high-molecular weight resin or polymer. (“Introduction to POLYOX-Water Soluble Resins,” at <http://www.dow.com/polyox/intro.htm>.) However, Applicants’ methods use a dispersant composition, not a “foam stabilizer.”

Nor can *Bour*, *Cattanach*, *Gopalkrishnan*, or *DiLullo Arias* be used to supply these missing recitations. None of these references discloses or suggests the dispersant composition recited in independent claims 1 and 30. Accordingly, none of these references disclose or suggest a method that includes “providing a cement composition comprising a cement and a dispersant composition” (claim 1), “adding to the cement composition a dispersant

composition” (claim 30), or “allowing the dispersant composition to disperse at least some of the cement composition” (claims 1 and 30).

For at least the foregoing reasons, *Gay* alone, or in combination with *Bour*, *Cattanach*, *Gopalkrishnan*, and *DiLullo Arias*, does not render independent claims 1 and 30 of the present application obvious. The remaining claims depend either directly or indirectly on independent claim 1 or 30. All these dependent claims, which include all the limitations of independent claim 1 or 30, are allowable for at least the reasons cited above with respect to independent claims 1 and 30. Accordingly, the Applicants respectfully request withdrawal of this rejection with respect to claims 1, 5-30, and 34-40, and further request the timely issuance of a Notice of Allowance for these claims.

D. Rejection of Claims 1, 5-30, and 34-40 Under 35 U.S.C. § 103(a) in View of *Neely*

Claims 1, 5-30, and 34-40 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Neely* alone, or in view of *Bour*, *Cattanach*, *Gopalkrishnan*, and *DiLullo Arias*. With respect to this rejection, The Examiner stated that:

Neely Jr ‘661 B2 teach mixing an alkali metal silicate cement, wetting agent such as surfactants including non-ionic, cationic, anionic, amphoteric, and zwitterionic (col. 6, lines 45-50). Neely also teach the addition of hydrolyzed proteins (col.7, line 15) thus anticipating the instant invention. Even if not anticipated, overlapping ranges of amounts would have been *prima facie* obvious to one of ordinary skill in the art.

(Office Action at 2.) Applicants respectfully traverse because none of these references, separately or in combination, teach or suggest the steps recited in claims 1, 5-30, and 34-40 as required to form a *prima facie* case of obviousness needed to obviate the claims under 35 U.S.C. § 103(a). MPEP § 2142, 2143.

Neely does not obviate independent claims 1 and 30 because it does not teach or suggest the following steps: “providing a cement composition comprising a cement and a dispersant composition” (claim 1); “adding to the cement composition a dispersant composition” (claim 30); or “allowing the dispersant composition to disperse at least some of the cement composition” (claims 1 and 30). For instance, independent claim 1 recites the step of “providing a cement composition comprising a cement and a dispersant composition,” and independent

claim 30 recites the step of “allowing the dispersant composition to disperse at least some of the cement composition.” However, nowhere does *Neely* teach or suggest dispersant compositions. Instead, *Neely*’s coating composition only includes surfactants (wetting agents) and hydrolyzed proteins (humectants) when used to coat stainless steel. *See Neely* col. 6, ll. 45-47, col. 7, ll. 10-16.

When used to coat stainless steel, the aqueous, curable coating composition will include at least one water-soluble alkali metal silicate, an effective amount of a water-soluble crosslinking agent, water and optionally, calcium carbonate, pigments, dyes, defoamers, graphite, wetting agents, lubricating additives, water-repellent additives, fillers, resins, conductors and humectants.

Neely col. 6, ll. 3-9. Further, rather than teaching cement compositions, *Neely* teaches coating compositions that can “easily be applied to any substrate, e.g., a glass, a ceramic, concrete or a metal.” *Neely* col. 3, ll. 53-65. In the Response to Remarks, the Examiner explains that “*Neely* uses the same exact components in a cement compositions that their functions would expected to be the same.” (Office Action at 7.) The Examiner also states that hydrolyzed protein “may be a humectant, it also functions as a foaming agent because its usage as such is known and old in the art.” (Office Action at 7.) However, in the present Application, the hydrolyzed protein is a component of a dispersant composition for dispersing the cement. Accordingly, *Neely* does not teach or suggest the steps of providing a cement composition comprising a cement and a dispersant composition (claim 1) and adding to the cement composition a dispersant composition (claim 30).

Furthermore, independent claims 1 and 30, as amended, also recite the step of “allowing the dispersant composition to disperse at least some of the cement composition.” As discussed above, *Neely* discloses using hydrolyzed protein humectants and surfactant wetting agents. *See Neely* col. 6, ll. 45-47, col. 7, ll. 10-16. Accordingly, *Neely* does not teach or suggest the step of allowing the dispersant composition to disperse at least some of the cement composition as recited in independent claims 1 and 30 as amended.

Nor can *Bour*, *Cattanach*, *Gopalkrishnan*, or *DiLullo Arias* be used to supply these missing recitations. None of these references discloses or suggests the dispersant composition recited in independent claims 1 and 30. Accordingly, none of these references disclose or suggest a method that includes “providing a cement composition comprising a cement and a dispersant composition” (claim 1), “adding to the cement composition a dispersant

composition” (claim 30), or “allowing the dispersant composition to disperse at least some of the cement composition” (claims 1 and 30).

For at least the foregoing reasons, *Neely* alone, or in combination with *Bour*, *Cattanach*, *Gopalkrishnan*, and *DiLullo Arias*, does not render independent claims 1 and 30 of the present application obvious. The remaining claims depend either directly or indirectly on independent claim 1 or 30. All these dependent claims, which include all the limitations of independent claim 1 or 30, are allowable for at least the reasons cited above with respect to independent claims 1 and 30. Accordingly, the Applicants respectfully request withdrawal of this rejection with respect to claims 1, 5-30, and 34-40, and further request the timely issuance of a Notice of Allowance for these claims.

E. Rejection of Claims 1, 5-30, and 34-40 Under 35 U.S.C. § 103(a) in View of *Etherton*

Claims 1, 5-30, and 34-40 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Etherton* alone, or in view of *Bour*, *Cattanach*, *Gopalkrishnan*, and *DiLullo Arias*. With respect to these rejections, the Examiner stated that:

Etherton (EP 1103533 abstract) teach a process for cementing to make concrete by mixing cement with hydrolyzed protein and surfactant thus anticipating the instant invention. Even if not anticipated, overlapping ranges of amounts would have been *prima facie* obvious to one of ordinary skill in the art.

(Office Action at 2-3.) Applicants respectfully traverse because none of these references, separately or in combination, teach or suggest the steps recited in claims 1, 5-30, and 34-40 as required to form a *prima facie* case of obviousness needed to obviate the claims under 35 U.S.C. § 103(a). MPEP § 2142, 2143.

Etherton does not obviate independent claims 1 and 30 because it does not teach or suggest the following steps: “providing a cement composition comprising a cement and a dispersant composition” (claim 1); “adding to the cement composition a dispersant composition” (claim 30); or “allowing the dispersant composition to disperse at least some of the cement composition” (claims 1 and 30).

For instance, independent claim 1 recites the step of “providing a cement composition comprising a cement and a dispersant composition,” and independent claim 30 recites the step of “allowing the dispersant composition to disperse at least some of the cement

composition.” Rather than disclosing the recited dispersant composition, *Etherton* discloses a foaming agent, “Zenfoam,” which is “a blend of hydrolyzed protein and surfactants.” *Etherton* col. 10, ll. 55-56. Thus, *Etherton* teaches using a foaming agent to foam cement. But *Etherton* does not teach or suggest that the “Zenfoam” foaming agent is a dispersant composition. Accordingly, *Etherton* does not teach or suggest providing a cement composition comprising a cement and a dispersant composition (claim 1) and adding to the cement composition a dispersant composition (claim 30).

Further, independent claims 1 and 30, as amended, also recite the step of “allowing the dispersant composition to disperse at least some of the cement composition.” As discussed above, *Etherton* discloses a foaming agent, “Zenfoam,” which is “a blend of hydrolyzed protein and surfactants.” *Etherton* col. 10, ll. 55-56. Therefore, *Etherton* does not teach or suggest the step of allowing the dispersant composition to disperse at least some of the cement composition as recited in independent claims 1 and 30 as amended.

Nor can *Bour*, *Cattanach*, *Gopalkrishnan*, or *DiLullo Arias* be used to supply these missing recitations. None of these references discloses or suggests the dispersant composition recited in independent claims 1 and 30. Accordingly, none of these references disclose or suggest a method that includes “providing a cement composition comprising a cement and a dispersant composition” (claim 1), “adding to the cement composition a dispersant composition” (claim 30), or “allowing the dispersant composition to disperse at least some of the cement composition” (claims 1 and 30).

For at least the foregoing reasons, *Etherton* alone, or in combination with *Bour*, *Cattanach*, *Gopalkrishnan*, and *DiLullo Arias*, does not render independent claims 1 and 30 of the present application obvious. The remaining claims depend either directly or indirectly on independent claim 1 or 30. All these dependent claims, which include all the limitations of independent claim 1 or 30, are allowable for at least the reasons cited above with respect to independent claims 1 and 30. Accordingly, the Applicants respectfully request withdrawal of this rejection with respect to claims 1, 5-30, and 34-40, and further request the timely issuance of a Notice of Allowance for these claims.

V. Remarks Regarding the Obviousness-Type Double Patenting Rejection

Claims 1, 5-30, and 34-40 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 14 and 52 of *Reddy I* (U.S. Pat. No. 6,454,004) and *Reddy II* (U.S. Pat. No. 6,793,730) alone or in view of *Cattanach* (U.S. Pat. No. 3,615,784 or FR 1550231).

The standard for a double patenting rejection is whether the claim in the application is an obvious variation of an invention claimed in the patent. MPEP § 804(B)(1). Obviousness-type double patenting requires rejection of an application claim when the claimed subject matter is not patentably distinct from the subject matter claimed in a commonly-owned patent when the issuance of a second patent would provide unjustified extension of the term of the right to exclude granted by a patent. This double patenting analysis is confined to a comparison to the claims in the patent, and not to use of the disclosure of the patent as prior art. *See* MPEP § 804(III).

The claims of the present invention include the following limitations: providing a cement composition comprising a cement, and a dispersant composition, the dispersant composition comprising a surfactant and a hydrolyzed protein (claim 1); adding to the cement composition a dispersant composition comprising a surfactant and a hydrolyzed protein (claim 30); and allowing the dispersant composition to disperse at least some of the cement composition (claims 1 and 30). Applicants respectfully assert that the claims of *Reddy I* and *Reddy II*, alone or in view of *Cattanach*, have not been shown to refer to a dispersant composition and dispersing cement. The Examiner simply has not shown any aspect of the invention in *Reddy I* and *Reddy II*, alone or in view of *Cattanach*, to include these limitations. Therefore, the Examiner has not shown that the claims of the present invention fail to be patentably distinct from the claims of *Reddy I* and *Reddy II*, alone or in view of *Cattanach*. Because Applicants' claims contain limitations not claimed in *Reddy I* and *Reddy II*, alone or in view of *Cattanach*, Applicants respectfully submit that the claims of the present invention are patentably distinct from the claims of *Reddy I* and *Reddy II*, alone or in view of *Cattanach*. Applicants respectfully requests withdrawal of the obviousness-type double patenting rejection as to claims 1, 5-30, and 34-40, and the timely issuance of a Notice of Allowance for these claims.

IV. Remarks Regarding the 35 U.S.C. § 112, Second Paragraph Rejection

Claims 1, 5-30, and 34-40 stand rejected under 35 U.S.C. § 112, second paragraph, as failing to set forth the subject matter which Applicants regard as their invention.

With respect to claim 1, the Examiner writes that “the use of the term ‘desired’ is indefinite.” (Office Action at 5.) Applicants respectfully submit that this language is sufficiently definite to comply with 35 U.S.C. § 112. “The fact that claim language . . . may not be precise, does not automatically render the claim indefinite under 35 U.S.C. § 112, second paragraph. Acceptability of the claim language depends on whether one of ordinary skill in the art would understand what is claimed, in light of the specification.” MPEP § 2173.05(b) (citations omitted). For example, a limitation such as “an effective amount” has been held to be sufficiently definite when read in light of the supporting disclosure and in the absence of any prior art which would give rise to uncertainty about the scope of the claim. *See* MPEP § 2173.05(c) (citing *Ex parte Skuballa*, 12 U.S.P.Q.2d 1570 (Bd. Pat. App. & Inter. 1989)). Here, Applicants are aware of no prior art that would create any uncertainty as to the scope of the subject claims. Furthermore, “placing the cement composition in a desired location” (as recited in independent claim 1) is definite when read in light of the supporting disclosure. For example, Applicants’ disclosure states that “cement compositions are used in primary cementing operations whereby strings of pipe . . . are cemented in well bore.” (Application ¶ 2.) Applicants’ disclosure further states that “cement compositions also are used in remedial cementing operations such as plugging highly permeable zones or fractures in well bores, plugging cracks in holes in pipe strings, and the like. (Application ¶ 2.) Accordingly, Applicants respectfully assert that the use of the term “desired” in the subject claims satisfies the requirements of 35 U.S.C. § 112, second paragraph.

With respect to claims 14 and 15, Applicants have amended claim 14 to write-out the abbreviation “HLB,” and Applicants have deleted the term “ENVIROGEM” from claim 15.

With respect to claim 24, the Examiner stated, “[t]he term ‘low density cement’ is vague.” (Office Action at 5.) Applicants respectfully submit that this language is sufficiently definite to comply with 35 U.S.C. § 112. During examination, the words of a patent claim must be given their plain meaning unless applicant has provided a clear definition in the specification. MPEP § 2111.01. Moreover, claim language is sufficiently definite under 35 U.S.C. § 112, second paragraph if “one of ordinary skill in the art would understand what is claimed” by that

language. MPEP § 2173.05(b). Here, the words “low density cement” refer to a suitable cement (*see* claim 1, reciting “a cement composition comprising a cement”). Applicants respectfully assert that the Examiner has not shown that one of ordinary skill in the art would fail to understand these terms. In fact, many of the references cited by the examiner use the term “low density cement.” *See, e.g., Sugama* col. 1, ll. 21-24 (“One object of the present invention is to provide low density cement slurries.”); *Etherton*, Abstract (“A process and apparatus for producing a low density foam concrete.”). Further, the scope of “low density cement” is not indefinite in light of Applicants’ disclosure. For example, Applicants’ disclosure states that “[s]uch low density cements may be foamed cements or may be cements comprising another means to reduce their density such as hollow microspheres, low-density elastic beads, or other density-reducing additives known in the art.” (Application ¶ 14.) Accordingly, Applicants respectfully assert that the use of the term “low density cement” in the subject claims satisfies the requirements of 35 U.S.C. § 112, second paragraph.

Applicants respectfully request the withdrawal of the rejection against claims 1, 5-30, and 34-40, and earnestly solicit the timely issuance of a Notice of Allowance for these claims.

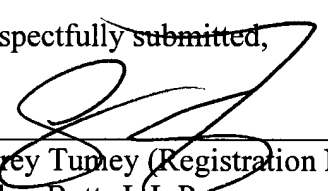
**SUMMARY AND PETITION FOR ONE MONTH EXTENSION OF TIME
TO FILE THIS RESPONSE**

In light of the above amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections. Applicants further submit that the application is now in condition for allowance, and earnestly solicit timely notice of the same. Should the Examiner have any questions, comments or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the attorney of record by telephone, facsimile, or electronic mail.

Applicants hereby petition under the provisions of 37 C.F.R. §1.136(a) for a one-month extension of time to file this Response. Enclosed herewith is check number 946438 in the amount of \$120.00 for the fee. The Commissioner is hereby authorized to charge Baker Botts L.L.P. Deposit Account No. 02-0383 (Order Number 063718.0341) for any underpayment, or to credit same with any overpayment of fees, in association with this filing.

Applicant believes that no additional fees are due in association with this filing of this Response. However, should the Commissioner deem that any fees are due, including any fees for extensions of time, Applicant respectfully requests that the Commissioner accept this as a petition therefor, and direct that any additional fees be charged to Baker Botts L.L.P. Deposit Account No. 02-0383, Order Number 063718.0341.

Respectfully submitted,



Corey Turney (Registration No. 57,079)
Baker Botts L.L.P.
One Shell Plaza
910 Louisiana
Houston, TX 77002
Telephone: 713.229.1469
Facsimile: 713.229.2769
ATTORNEY FOR APPLICANTS

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